IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT APPEAL NO : 338 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11/02/2005 in WP No.24513 OF 2004 on the file of the High Court.)

Between:

Sri M. Madhava Reddy, S/o. M. Narayana Reddy,
(Civil Engineering Department) O/o. Deputy Executive Enginee Sangareddy, Medak District.

..... APPELLANT

AND

1. The Vice Chairman and Managing Director, A.P.S.R.T.C.,

R.T.C. Cross Roads, Musheerabad, Hyderabad.

2. The Chief Civil Engineer-II, APSRTC, Musheerbad, Hyderabad.

3. The Executive Engineer, APSRTC, Hyderabad Rural,

Mahatmagandhi Bus Station, Hyderabad.

4. Sri Ravi Babu, S/o. Age Not Known,
APSRTC, Hyderabad rural, Mahatmagandhi Bus Station,

Hyderabad.

5 Sri Urukadar, S/o. Age Not Known,
APSRTC, Hyderabad rural, Mahatmagandhi Bus Station, Hyderabad.

(Respondents 4 and 5 are not necessary to this appeal)

.....RESPONDENTS

Counsel for the Appellant: MR.KRISHNA DEVAN

Counsel for the Respondents: 1 to 3: MR.V.T.M.PRASAD

(S.C.FOR APSRTC)

The Court made the following :

THE HONOURABLE SRI JUSTICE

J.CHELAMESWAR

AND

THE HONOURABLE SRI JUSTICE

JUSTICE GHULAM MOHAMMED

WRIT APPEAL No.338 of 2005

O R D E R

(Per Sri Justice J.Chelameswar)

Aggrieved by the order dated 11.02.2005 passed in W.P.No.24531 of 2004, the unsuccessful petitioner therein, who is the appellant herein, preferred this appeal.

The appellant is working with the respondent Corporation as Field Man in Civil Engineering Department, H.R.Division, Sangareddy, Medak District. By the impugned order in the writ petition, the appellant is sought to be transferred to Nalgonda. Aggrieved by the

same he preferred departmental appeal to the 2nd respondent. However, the 2nd respondent in his order dated 18.12.2004 confirmed the order of 3rd respondent, and therefore, the above mentioned writ petition came to be filed. The learned single Judge by the impugned order was pleased to dismiss the writ petition.

We do not see any reason to interfere with the order under appeal. However, learned counsel for the appellant submitted that the appellant is having school going children and their examinations are scheduled to be held in the month of April, and therefore, he submitted that the case of the appellant may be considered by giving a direction to the respondents not to insist the appellant for taking charge at the place of transfer till the end of April, 2005.

Learned counsel for the respondent-Corporation submitted that the administrative necessity of having the appellant at Nalgonda is pressing and therefore the request of the appellant may not be considered.

In fact, earlier the appellant had approached this Court by way of filing W.P.No.22167 of 2004, which was disposed of by this Court on 02.12.2004 directing the respondent Corporation to consider the representation of the appellant and take appropriate decision. In fact, the impugned order does not disclose what is the administrative exigency, which demands an immediate transfer of the appellant.

In the above circumstances, we deem it appropriate to direct the respondent Corporation not to give effect to the order of transfer till 30th April, 2005.

With the above direction, the writ appeal is disposed of. There shall be no order as to costs.

JUSTICE J.CHELAMESWAR

JUSTICE GHULAM MOHAMMED

7th MARCH, 2005

Note: Issue copy in two days.

(B/O) PGS

To

1. The Vice Chairman and Managing Director, A.P.S.R.T.C.,

R.T.C. Cross Roads, Musheerabad, Hyderabad.

2. The Chief Civil Engineer-II, APSRTC, Musheerbad, Hyderabad.

3. The Executive Engineer, APSRTC, Hyderabad Rural,

Mahatmagandhi Bus Station, Hyderabad.

4. 2 CD copies.

THE HONOURABLE SRI JUSTICE

J.CHELAMESWAR

AND

THE HONOURABLE SRI JUSTICE

JUSTICE GHULAM MOHAMMED

WRIT APPEAL No.338 of 2005

(Per Sri Justice J.Chelameswar)

7th MARCH, 2005